

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

GEORGE HENGLE, SHERRY )  
BLACKBURN, WILLIE ROSE, ELWOOD )  
BUMBRAY, TIFFANI MYERS, STEVEN )  
PIKE, SUE COLLINS, LAWRENCE )  
MWETHUKU, *on behalf of themselves and* )  
*all individuals similarly situated,* )

Plaintiffs,

v.

Civil Action No. 3:19-cv-250-REP

SCOTT ASNER; JOSHUA LANDY; )  
SHERRY TREPPA, CHAIRPERSON OF )  
THE HABEMATOLEL POMO OF UPPER )  
LAKE EXECUTIVE COUNCIL, *in her* )  
*official capacity*; TRACEY TREPPA, VICE- )  
CHAIRPERSON OF THE HABEMATOLEL )  
POMO OF UPPER LAKE EXECUTIVE )  
COUNCIL, *in her official capacity*; )  
KATHLEEN TREPPA, TREASURER OF )  
THE HABEMATOLEL POMO OF UPPER )  
LAKE EXECUTIVE COUNCIL, *in her* )  
*official capacity*; IRIS PICTON, )  
SECRETARY OF THE HABEMATOLEL )  
POMO OF UPPER LAKE EXECUTIVE )  
COUNCIL, *in her official capacity*; SAM )  
ICAY, MEMBER-AT-LARGE OF THE )  
HABEMATOLEL POMO OF UPPER LAKE )  
EXECUTIVE COUNCIL, *in his official* )  
*capacity*; AIMEE JACKSON-PENN, )  
MEMBER-AT-LARGE OF THE )  
HABEMATOLEL POMO OF UPPER LAKE )  
EXECUTIVE COUNCIL, *in her official* )  
*capacity*; AMBER JACKSON, MEMBER- )  
AT-LARGE OF THE HABEMATOLEL )  
POMO OF UPPER LAKEMAN )  
EXECUTIVE COUNCIL, *in her official* )  
*capacity*; )

Defendants.

**DEFENDANTS SCOTT ASNER AND JOSHUA LANDY'S  
RENEWED MOTION TO DISMISS**

Specially appearing Defendants<sup>1</sup> Scott Asner (“Asner”) and Joshua Landy (“Landy”) hereby move this Court pursuant to Federal Rule of Civil Procedure 12 for an order dismissing the Plaintiffs’ First Amended Class Action Complaint. The reasons in support of this motion are set forth in the accompanying memorandum, which is incorporated herein by reference.

Respectfully submitted:

Dated: August 9, 2019

/s/Jan A. Larson

Jan A. Larson (Bar No. 76959)  
Thomas J. Perrelli (*pro hac vice*)  
JENNER & BLOCK LLP  
1099 New York Avenue, NW  
Washington DC, 20001  
Phone: (202) 639-6000  
Facsimile: (202) 639-6066  
JanLarson@jenner.com  
TPerrelli@jenner.com

*Counsel for Defendants Scott Asner and Joshua Landy*

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<sup>1</sup> A defendant does not submit to the jurisdiction of this Court by filing a motion to dismiss. *Hunt v. Calhoun Cty. Bank, Inc.*, 8 F. Supp. 3d 720, 726 (E.D. Va. 2014). Nor does a defendant waive arbitration rights by bringing a motion to dismiss together with a motion to compel arbitration. *MicroStrategy, Inc. v. Lauricia*, 268 F.3d 244, 246 (4th Cir. 2001).

**CERTIFICATE OF SERVICE**

I certify that on August 9, 2019, I have electronically filed DEFENDANTS SCOTT ASNER AND JOSHUA LANDY'S RENEWED MOTION TO DISMISS and accompanying papers with the Clerk of Court using the ECF system which will send notification of such filing to the following:

George Hengle  
Sherry Blackburn  
Willie Rose  
Elwood Bumbray  
Tiffani Myers  
Steven Pike  
Sue Collins  
Lawrence Mwethuku  
Sherry Treppa  
Tracey Treppa  
Kathleen Treppa  
Iris Picton  
Sam Icaey  
Aimee Jackson-Penn  
Amber Jackson

Dated this August 9, 2019.

/s/Jan A. Larson

Jan A. Larson (Bar No. 76959)